

MATALON ♦ SHWEKY ♦ ELMAN PLLC
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Sutton Creations, Inc.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GRANVIA TRADING LTD.,

08 CV 00580 (LBS)

Plaintiff,

-against-

ORDER

SUTTON CREATIONS, INC.
d/b/a SUTTON CREATIONS,

Defendant.

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SUTTON CREATIONS, INC.,

Third-Party Plaintiff,

-against-

GALIHAD ENTERPRISES LTD., BURLINGTON COAT
FACTORY WAREHOUSE CORPORATION,
SHERRY MILKEY, and DEVIN INDUSTRIES, LLC,

Third-Party Defendants.

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THIS Court having entered a judgment by default against Third-Party Defendant Sherry Milkey on February 9, 2009, in the amount of \$353,244.71, after she failed to answer or otherwise respond to the third-party summons and complaint in this action,

which had been served upon her personally at her place of business located at 25 West 38th Street, Suite 802, New York, New York 10018;

And the attorney for Third-Party Plaintiff, Joseph Lee Matalon, having advised this Court in open court, on June 4, 2009, at a regularly scheduled case conference, that Sherry Milkey had been personally served with a subpoena directing her to appear for a deposition on May 20, 2009 at his office, and that Ms. Milkey failed to appear;

And Third-Party Plaintiff Sutton Creations, Inc. being entitled to take the deposition of Ms. Milkey for the purpose of eliciting testimony for use in the prosecution of the Third-Party Complaint and the defense of the Complaint, as well as to discover her assets for purposes of enforcing the judgment;

And Sutton Creations, Inc. having requested that the Court issue an order directing Ms. Milkey to appear for a deposition on a date certain, and that if she fails to appear as directed, that the Court issue a warrant for the arrest of Ms. Milkey to bring her before the Court to show cause why she should not be held in contempt of this Court's order directing her to appear for the deposition;

And no other party appearing in the case having objected to the relief sought by Sutton Creations in the previous paragraph;

And for good cause shown:

IT IS HEREBY ORDERED that Sherry Milkey shall appear for a deposition at the offices of Matalon ♦ Shweky ♦ Elman PLLC, 450 Seventh Avenue, Suite 1409, New York 10123, at 10 a.m., on June 29, 2009 to give testimony in connection with the complaint and third-party complaint, and her assets and liabilities; and it is further

ORDERED that if Ms. Milkey fails to appear as ordered by the Court in the preceding paragraph, this Court, upon application by Sutton Creations, Inc. or any other party, shall issue a warrant directing the U.S. Marshal or his designee to arrest Ms. Milkey and bring her before the Court to show cause why she should not be held in contempt; and it is further

ORDERED that service of this Order upon Ms. Milkey, on or before June 18, 2009, as follows, shall be deemed good and sufficient:

1. Hand Delivery to Ms. Milkey, or in her absence, any employee, at 25 West 38th Street, Suite 802, New York, New York 10018. In the absence of any individuals during normal business hours, a copy may be slipped under the door of such suite.

2. First Class Mail addressed to "Ms. Sherry Milkey, 25 West 38th Street, Suite 802, New York, New York 10018."

3. Fedex Overnight Delivery, and First Class Mail, addressed as follows: "Ms. Sherry Milkey, 757 Bradford Terrace, West Chester, Pennsylvania, 19382"

4. Via email, with .pdf attachment, to the following email addresses:

- A. sherry@phoxygear.com

- B. sherrymilkey@yahoo.com

- C. sherry@davidrodriguez.net

The subject line thereof shall state: Court Order Attached – Do Not Delete



U.S.D.J.

Dated: June 16, 2009